IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 2538 OF 2005
To
FIRST APPEAL NO. 2543 OF 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SPECIAL LAND ACQUISITION OFFICER,
NARMADA PROJECT, UNIT-7 & ANR. - Appellant(s)

Versus

GAJANAND CHANDULAL VYAS & ANR. - Respondent(s)

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Appearance :
MR. A.D. OZA, GOVERNMENT PLEADER for Appellant(s).
MR. TRILOK J. PATEL for Respondent(s) : 1,
None for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

and

HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 22/09/2005

COMMON ORAL JUDGMENT
(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1. The appeals are admitted.

Mr.Triok J.Patel, learned Advocate, appears and waives

service of process of admission for and on behalf of respondent no.1.

According to Mr.Oza, learned Government Pleader, respondent No.2 has been added as formal party to complete the cause title of the matters.

In view of the submission made by the learned Government Pleader for the appellants, we are of the opinion that service of process of admission in relation to respondent No. 2 is not required to be issued.

2. The parties are heard.

3. The present dispute relates to grant of compensation in relation to the lands of Village-Simli. From the judgement of the Court below, it appears that while enhancing the quantum of compensation, it has relied upon the earlier award, which was made in relation to the lands of Village-Kukas. It is not in dispute before us that the appeal against the award made in relation to the lands of Village-Kukas has been set aside by this Court. In relation to the lands of the same village, we have allowed First Appeal No.1535 of 2005 to 1547 of 2005 on the ground that the very foundation on which the award has been made by the Court below is lost.

4. As the facts are similar, following the judgement delivered in First Appeal Nos.1535 of 2005 to 1547 of 2005, we

allow these appeals, set aside the judgement and award made by the Court below and remand the matters back to the Court below for deciding the issues afresh in accordance with law.

5. Learned Counsel for the respondents-claimants submits that as the parties-claimants were relying upon the judgement delivered in the matter of Kukas land under a *bona fide* impression, they did not lead further evidence and if the Court is setting aside the award and remanding the matters to the Court below, the parties be given proper opportunity to lead further evidence.

6. Taking into consideration the totality of the circumstances, we hereby direct the learned Court below to provide proper opportunities to the parties to produce the documentary evidence and lead oral evidence in support of their contentions.

7. As the acquisitions are of the year 1988, we request the learned trial Court to dispose of the matters expeditiously, preferably within six months from the date of appearance of the parties.

8. The parties present in this Court shall appear before the learned trial Judge on 10th October, 2005. Let a copy of this order be also sent from the Court side to the learned Court below, enabling it to understand as to what is

to be done by the Court.

It is expected of the parties that they shall cooperate in the trial so that the matters are disposed of at their earliest.

[***R.S.Garg, J.***]

[***K.M. Mehta, J.***]

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